

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAUL ALBERTO PEREZ-REYES,

Plaintiff,

v.

CATHERINE C. McVAY, et al.,

Defendants.

Civil Action No. 08-250 Erie

**MEMORANDUM ORDER**

\_\_\_\_ Plaintiff's civil rights complaint was received by the Clerk of Court on August 29, 2008 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [3], filed on February 17, 2009, recommends that the instant civil rights action be dismissed for Plaintiff's failure to prosecute. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Albion, where he is incarcerated. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 28<sup>th</sup> day of April, 2009;

IT IS HEREBY ORDERED that the instant civil rights action be, and hereby is, DISMISSED due to the Plaintiff's failure to prosecute.

The Report and Recommendation of Chief Magistrate Judge Baxter [3], dated February 17, 2009, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
Chief U.S. Magistrate Judge Baxter